Then the Department of Labor stepped in to assist. They provided a total of $4.3 million to retrain 90 percent of the former Almacs workers who did not find employment in other grocery stores. This assistance came about because I was able to directly share the hardship of my constituents with the Secretary of Labor. Indeed, because the Congress had shut down the Federal Government at that time, several additional hurdles had to be overcome to help the people from Almacs.

Thankfully, because of the work of the Secretary, those hurdles were overcome and my constituents were provided the services they desperately needed and, indeed, deserved.

Just as in 1995, I am afraid that we are again confronted with a callous disregard for the working people of this country. They deserve a Secretary of Labor. Ms. Herman deserves a vote. Let us get on with this process. If you will, vote against her, but give her the opportunity to have her case heard here on the floor of the Senate and the decision made, not by inaction, but by the votes of the men and women of this body.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, just for clarification, before the Senate is a motion to proceed to S. 543. I would like to clarify for my colleagues, given the scope of the legislation, the importance of it, and timeliness of it, I am not eager to turn the aftermath of this cloture vote into a time that we substitute for morning business. I hope the remarks—and we, of course, sanctioned the previous remarks of the Senator from Texas and the Senator from Rhode Island—but I would be inclined to object to remarks for the next hour or so, not relating to the subject before the Senate.

Mr. President, I might continue then, for a moment. The time for this debate ran out before our lunch recess. I was commenting on an article, a very balanced article that appeared in the ABA section of Business Law, with regard to what the Voluntary Protection Act is trying to accomplish. I had just read this point, that ''As publicity about lawsuits and the insurance crunch raised volunteers' apprehension, their willingness to serve waned.''

The point is, we have documented evidence that a growing number of citizens in our country who have traditionally engaged in something that is uniquely American, it truly is—and I might add that as a former Director of the U.S. Peace Corps I had a chance to witness this and listen to it and hear it reiterated around the world—that voluntarism, as we describe it in America, is unique and it is an invaluable treasure for American people.

Here we have a situation that developed in the 1980's, where, suddenly, lawsuits directed at a volunteer, in search of more financial means or whatever, became highly publicized. So, obviously, it made a good Samaritan, somebody trying to step forward, someone trying to be a good American, nevertheless conscious of his or her prudent responsibility to protect their family, to protect the assets and the valuables that were there for the security of their family. As much as they wanted to volunteer, they had to suddenly be aware of, ''Is this a threat to my own family?''

I mentioned earlier this morning Terry Orr, who played for the Washington Redskins, was in the Capitol the other day and recounted the experience of joining the team and of senior players immediately taking him and putting him in the breach, so to speak, of voluntarism. It is something he wanted to do. Then, as his career grew and he matured in it, he turned to the rookies coming behind him and said: ''Look, this is important work for the youth of the Capitol city.'' And he was struck by the response.

The response was, ''What is my liability? Am I putting my family at risk here?'' It was a whole new sequence or reaction to asking for volunteers. That is what this sentence means, ''As publicity about the lawsuits and insurance crunch raised volunteers' apprehension, their willingness to serve waned.''

This 12-page piece of legislation—this is not a 1,500-page bill. This is not overhaul of Medicare. It is 12 pages. Its effort is directed at putting some protective buffer around people who want to step forward and be volunteers and reduce the level of fear that they would have with regard to the welfare of their own family.

It goes on to say, ''Even though reports of actual judgments against volunteers remain scarce, the specter of a multimillion dollar claim casts a deep shadow.'' So what is being said here is you do not have to have a lot of judgments. You do not have to have a litany of cases that go against volunteers. You only have to have the specter or possibility of the risk to be public, and suddenly the volunteers are very, very cautious about what they do and what they do not do.

''Several surveys conducted during this period revealed that many organizations suffered board resignations''—which is what we alluded to earlier today—''and volunteer recruitment difficulties''—which I just talked about in the case of Washington Redskin player Terry Orr. ''The lawyer on the board, a nonprofit's staff role, was often the first to resign.'' I have experienced this myself. My guess is the President has experienced this issue.

I told this story earlier today—over the weekend, I was down at Robins Air Force base and it was raining badly. So we were trying to get from the aircraft to the car. I misjudged where the corner of the car door was, which is what has caused this mark across my forehead. As I got on in the car, the Air Force Colonel say, ''Gosh, I hope you are not going to sue the Air Force.'' Which is just—it permeates our society, the question of fear of lawsuits.

Faced with the prospect of charitable organizations closing their doors and potential volunteers staying home, legislators sought to offer protective warmth from the chill of potential liability. On the national level, U.S. Representative John Porter, Illinois, dramatized the problem.

This is the point I want to make. This morning the other side talked about how suddenly this new idea was thrust on the Senate. It had not had the appropriate length of debate or hearings and that sort of thing. Like this is a new idea that has been around. Listen to this:

''On the national level, U.S. Representative JOHN PORTER, Republican, Illinois, dramatized the problem in 1985''—Let's see, now, that is 12 years ago—''by assigning bill number 911 to his proposed Volunteer Protection Act.'' Eleven years ago, and Lord knows how many thousands of volunteers who have not shown up in the 12 years, or how many hundreds of thousands of dollars have been spent in an effort to try to respond to this that therefore did not go to help a child, an elderly person, a sick person, a person that has suffered from one of these floods that we have been talking about earlier today? Who knows how many people have not volunteered for that board or went out and coached Little League Baseball? Good grief, 1985, for a very narrowly defined effort to protect this unique quality in American government—or in American life, the volunteer.

''His proposal,'' Mr. PORTER's, ''was a Federal bill designed to spur State adoption of volunteer protection laws. As has been mentioned by the other side, in 1990, President Bush released a model act and called for State-by-State adoption. By then, though, each State legislator had already addressed the matter at least once and few were eager to tackle it again.''

The other side tried to allude to a lapse on our side of our role in federalism. They were suggesting we had forgotten our interest in State management of issues. But, as Senator MCCONNELL said when he came to the floor, this is a national issue. It has State ramifications, but it is a national issue. These hundreds of organizations, some of which I cited this morning that are supporting the Volunteer Protection Act, are national organizations and they are looking for national relief. They are interactive across State borders. They are dealing with organizations who represent multistate jurisdictions. Then it goes on to say, this article: ''The blame falls largely on the patchwork nature of volunteer protection laws, which vary tremendously throughout the United States. To facilitate analysis and comparison, the

nonprofit risk management center compiled them in a publication.''

The article draws on that analysis. Mr. President, the Volunteer Protection Act does recognize the role of the States. And in those cases in which all the parties are of a single State, the State has the option and authority to opt out of this legislation if the case is at all related to citizens of the same State.

It also allows the States laws that are more protective of the volunteers to stay, in effect, without change or preemption. But this article itself points very directly at the difficulties faced by the patchwork nature of volunteer protection laws as they exist today.

Mr. President, I am going to yield the floor. I see the Senator from Indiana has arrived and would like to comment on the legislation.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator from Georgia for yielding and, more important, thank him for his leadership on this issue. I listened, as the Presiding Officer for the past hour, to his remarks about the irony of the voluntarism conference taking place in Philadelphia at the same time the U.S. Senate is attempting to secure approval to go ahead and debate—not vote on but just debate—the passage of legislation that will make voluntarism more acceptable to the American people and provide an incentive for people to volunteer.

I had the privilege of being designated as a delegate to that summit conference in Philadelphia, and as a delegate attended various meetings, shared time with the President and former Presidents who were there, along with Colin Powell, and Ray Chambers, and others who were instrumental in putting that together.

The whole thrust of the meeting, the whole thrust of the summit, the factor that drew all of our current living Presidents to this summit, was the idea that we needed to stimulate and do whatever we could to encourage Americans to take a more active role in solving some of the problems that our families face and in contributing their time and their resources on a volunteer basis to help particularly those in need.

The thrust was directed toward children, children that were falling into what we describe as an at-risk category, children without fathers at home, children without the opportunities that many children in America enjoy.

The goal—2 million children reached by the year 2000—is an ambitious goal, one which will require considerable commitment on the part of the American people. Yet a number of organizations were there that pledged their commitment to reach that goal, a number of corporations pledging their efforts to ensure and help their employees participate in reaching that goal, whether it is mentoring a fatherless child in an organization like Big Brothers/Big Sisters or working through Boys Clubs, Girls Clubs, Boy Scouts, Girl Scouts, various literacy programs, teaching a child to read, juvenile delinquency, drug abuse, teen pregnancy, all of these human problems that require not the hand of big Government—we have tried that, and it has been wanting—but involves the personal commitment on the part of individuals working with those children.

One of the most encouraging things about that summit was that there was a widespread recognition on the part of people from both parties, different points on the ideological spectrum and political spectrum. There was a consensus that big Government was not the solution, that our, in many cases well-motivated, efforts in the past to reach out through the mechanism of Government to address these human needs had not succeeded, and that while no one felt comfortable with simply absolving ourselves of all responsibility, hoping that the so-called free marketplace of social interaction and community support would fill the gaps, clearly there was a consensus that the solution did not lie in more funding for various Government agencies, more Government involvement, but the solution lay in individuals making commitments to help kids in need, to help organizations in their communities that were helping children in need. And this was a very uplifting occasion.

As I said, our former Presidents and our current President was there. We had Republicans and Democrats speaking from the platform, organizations that are doing extraordinary work today in our communities all across America. But the bottom line was, in order to accomplish the task ahead, we need more volunteers. We need more people to commit time to join up with a child in need or a family in need or an organization that is there to serve those people in need. We need to recognize those who are already making those sacrifices in volunteering, and we need to encourage more to do it.

Anyone who has been involved in volunteer work understands that the benefit exceeds the sacrifice, if we can even label it a sacrifice; that the recipient of the volunteer's efforts obviously is supported and helped; but the rewards, not money rewards, but the intangible rewards that come to the volunteer are very, very significant.

So out of all of this, I am confident, we have come to a time when there is a renewed interest in supporting our neighbor, supporting those in need, providing effective compassion, expanding the role of volunteer community organizations and charitable organizations, expanding the role of the church and encouraging its work in dealing with some of these problems.

But one of the key impediments to that involvement of voluntarism that we are trying to encourage has been what I would call almost a tax on voluntarism. That tax is the result of lawsuits, many of which are frivolous, that have been filed against organizations or against boards of directors of organizations or of volunteers. It is a discouragement and a disincentive for individuals to volunteer.

The Senator from Georgia referenced that. The first response to a bump on the head or a trip on a step is, ''I hope you're not going to sue us,'' because we seem to be in a pattern of litigation in what has been described as the world's most litigious society. It seems that for many the first thought is, ''How can I collect? Who can I sue?'' Well, it is one thing if individuals are covered by insurance policies; it is another if they either are not covered or those insurance policy premiums have risen to the point where organizations are finding it difficult to pay the premium.

Over just the past few years, liability premiums for volunteer associations have risen 155 percent. So organizations like Little League and Big Brothers/Big Sisters, Girl Scouts, Boy Scouts, volunteer fire departments, and all the myriad number of volunteer associations and groups that provide so much important help to people in this country are finding themselves squeezed, squeezed by higher liability premiums, squeezed from their ability to attract people to serve on their boards, to attract volunteers to work in the work of the agency.

We need to recognize that every dollar that is devoted to increased liability premiums means that it is a dollar less that goes to meet the needs that the organization or the individual is attempting to address.

Congress has attempted to address this in piecemeal fashion. I was proud to lead the effort last year to pass the bill that provided liability protection for doctors and nurses that volunteered their time to those in poverty that did not have insurance. Senator SANTORUM passed a bill that provided restaurants that donate food to homeless shelters, food banks and soup kitchens some protection from liability.

But essentially what we are talking about here today is a bill that would expand the scope of liability protection to the numerous agencies and literally hundreds of thousands of volunteers who are not now covered or who find that the premiums are prohibitive for liability coverage.

Of course, there are protections in the bill here. We are not excusing people from negligence. We are not excusing people for willful injuries or criminal misconduct. If a suit is warranted, the suit can be brought. But what we are saying is that there ought to be some protection against frivolous lawsuits, there ought to be some protection against honest mistakes, there ought to be limitations on liability to those who actually bear the responsibility for the injury, and not this, what we call joint and several liability, that flows to every member of the organization, every member of the board

which allows lawyers to simply find the deepest pockets or the richest pockets to sue, and so if one member of a board commits an act which warrants an action against that individual, all members of the board find themselves involved in the lawsuit.

As I said, liability insurance can be purchased, but the rising cost of that has been prohibitive, and it drains dollars away from the central purpose of that organization. In many cases we have people who are not covered by insurance, yet they want to volunteer their time.

Mr. President, just a little bit ago—I think it was just a week or so ago—Lynn Swann, who is a former member of the Pittsburgh Steelers and is in the National Football League Hall of Fame, testified before the House on the impact of increasing insurance premiums and the problem of liability coverage for Big Brothers/Big Sisters.

Lynn Swann is a national spokesperson for Big Brothers/Big Sisters of America. I had the privilege of serving on that national board with Lynn. He has dedicated an extraordinary amount of time and effort to promoting the concept of mentoring and promoting Big Brothers/Big Sisters as an organization that has been established now for nearly 100 years in mentoring children on a one-on-one basis.

Lynn testified before the House indicating that the inability to pass liability coverage for volunteers was providing a disincentive to attracting volunteers to be Big Brothers or Big Sisters. Currently, there are 100,000 individuals in this country who have volunteered their time on a consistent basis—not a one-time only, but a consistent basis—to mentor and be a Big Brother or Big Sister to a child from a fatherless family, to a child who needs someone to come alongside, to be with them, to help them with homework or just to listen to them on the phone or to incorporate them in some of their daily activities, to be a friend, to be a Big Brother, to be a Big Sister.

But there are 40,000 young people on the waiting list because we do not have enough Big Brothers, Big Sisters to match those on the waiting list. One of the reasons is that agencies have not been able to attract enough people because people are concerned about frivolous lawsuits or liability actions taken against them that they know they are probably going to have to pay or settle to some extent just to keep from having to spend 2 or 3 or 4 years in court dragged out through an expensive legal process.

So we go back to the original point. At a time when this Nation's attention is focused on the concept of voluntarism and how it can support those genuinely in need, how it can provide help for children at a time when former Democrat and Republican Presidents and our current President are meeting in Philadelphia to promote and encourage and ask and plead with individuals and corporations and businesses and entities in America to do more, the U.S. Senate is voting to not allow debate on a strictly—I guess it was strictly a partisan vote. There was a clear division between the Republicans and Democrats on this issue. They were voting to not even allow debate and amendments to go forward to move to final passage of this particular legislation.

So on the one hand, our Nation's attention is focused on the plea of President Clinton, former President Bush, former President Ford, and former President Carter to get more involved, to volunteer, to support agencies that are reaching out to children in need, calling for 2 million additional volunteers by the year 2000.

Yet at the very same time the U.S. Senate is saying, no, we are not going to remove impediments to voluntarism, we are not going to adopt sensible measures to protect those who give voluntarily of their time to serve the needs of our communities and serve the needs of our fellow citizens, we are not going to do anything to take away any barriers that might be in place that are identified as limiting the size and the scope of the volunteer effort.

It is just such a disconnect, just such an irony that our President is in Philadelphia urging us to become more involved in that spirit of voluntarism that I was privileged to experience in Philadelphia over the last 2 days, and that it is now clouded over with a deep, dark cloud that basically says, no, we are going to protect the lawyers, we are going to give the lawyers more protection than we are going to give the volunteers, we are going to make somebody who volunteers for Girl Scouts or Boy Scouts or Big Brothers/Big Sisters or any of a number of organizations and wants to give their time to the board, we are going to say that you are jointly and severally liable, if somebody on that board makes a mistake, we are going after the guy with deep pockets, we are going after the guy with all the money.

So good people who want to give their time and effort to volunteer organizations and volunteer help find themselves restricted and limited because they may not have control over an individual on a board that does something that brings a lawsuit, that allows every member of that board to be swept up in that lawsuit.

We are providing a disincentive to those citizens and volunteers who want to give of their time, who want to provide the support that children need in this country by saying, ''Do not forget about the lawsuit liability. Watch out for the trial lawyers.''

We are losing people, 40,000 young people on the waiting list for a Big Brother or Big Sister, and we cannot reach out to volunteers with any assurance that they will be protected from sometimes some of the most frivolous, meaningless, but yet effective lawsuits filed against them.

Are we foreclosing the right of someone to go after criminal misconduct or willful actions? Absolutely not. That protection is provided in the legislation that we are debating. What we are trying to do is make it easier for people to be good neighbors, to be good citizens. What we are trying to do is to provide a recognition that as Government necessarily scales back its effort at providing help for humans in need—which has been an extraordinary effort. I am not questioning the motivation of those who attempted it. It just simply has not produced results.

There is a recognition across the spectrum now between Democrats and Republicans that we need to find better alternatives, that we need to support the role of the church, we need to encourage the role of the church, parish, and synagogue, of charity, of volunteer charity organizations, of volunteer associations, of PTA's, of all of the groups that are working now in our community—including the Salvation Army, on and on it goes—who want to do more but need help to do more. They need our involvement, No. 1. They need our funds, No. 2. But No. 3, the least we can do is remove an impediment to voluntarism when someone's lawyer says better not be involved with that group because, as you know, while it is purely a voluntary act, if something happens to some member of the board, this whole board can be sued. Every one of you will find your name on a summons. Every one of you will find your name as defendants in a lawsuit. Every one of you will have to pony up for money to pay the attorneys. These guys will squeeze us for years until we settle, and maybe there is no liability at all, but we cannot afford the time. We cannot afford the ultimate money. So we will simply put a settlement out and everybody has to kick in. So people are discouraged from exercising some of their best instincts.

This legislation makes a great deal of sense. I hope my colleagues who did not support the cloture motion, the motion to allow us to go ahead and proceed with this legislation, I hope they will weigh that action against what is taking place in Philadelphia. I hope they will take the opportunity, as I just did in our reading room back here, to go and look at the stories and pictures in a whole number of newspapers from across the country—the Los Angeles Times, the Boston Globe, the St. Louis Post-Dispatch, the Chicago Tribune, and on and on it goes, USA Today—on the front page of every paper out there. A lead item on all the news stories last night was the Philadelphia summit, the President's gathering, organizations pledging, individuals committing to a new spirit of voluntarism that, hopefully, will sweep across this country, hopefully will reach out to those 40,000 kids and Big Brothers and Big Sisters that are waiting for a match that can change their life, that can make a difference in their lives. For all those who want to expand the board, expand the participation and expand the number of volunteers, I

hope they will go and read the headlines and look at the pictures. I hope they will look at the pictures of the kid waiting for the Big Brother/Big Sister match, for the involvement of organizations that can help their family, for the encouragement of groups like Habitat for Humanity and others that are making some an extraordinary difference in our world today. We want to do more. We want to do better. We want to expand that effort.

What is stopping us? The trial lawyers—the trial lawyers who will not even let us go ahead and debate the bill and vote on the bill. A cloture motion has to be filed to prevent a filibuster. Because of a strict party-line vote, which escapes me why every member of the other party feels it necessary to prevent this at the same time their President is urging, in an eloquent address—one of the best addresses I ever heard President Clinton give. I am not often standing at the lectern praising the President, but it was an extraordinary address to the thousands that were gathered yesterday in Philadelphia. It was a plea for support.

Here we are trying to provide one measure of support to remove one disincentive to voluntarism, to serving on a board of directors. As I said, I am on the national board of Big Brothers and Big Sisters. We have discussed this. Lynn Swann comes down and testifies and says we can put more kids together with more mentors, but one of the things that is holding us back is the liability we expose volunteers to and the extraordinary increase in insurance premiums over the past several years because of all these lawsuits. So every dollar that Big Brothers and Big Sisters worked so hard to achieve to provide a match between a Big Brother, Big Sister and a little brother and a little sister, every dollar that has to go to pay the increased liability premiums is a dollar that cannot go to provide for a match or support a match.

I hope my colleagues will reconsider and allow us to go forward with this. If it needs to be amended, we should amend it. If it needs to be modified, we should modify it. But do not stop it from even being discussed, debated, and voted on, particularly at a time when our President and our former Presidents and our Nation is saying, ''We want to do more. We need to do more. We must do more.'' We should not throw a bucket of cold water on what I think is a noble effort, a necessary effort, to address some of the basic human needs in this country.

Mr. President, I appreciate the generosity of the Senator from Georgia in allowing me to address the Senate. I again commend him for his efforts, and hope that when we get to the next cloture vote we can do better than we did today.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

First of all, let me just say to my colleague from Indiana that I really appreciate much of what he said, and I also appreciate his passion. I do not know anybody more committed to this whole idea of volunteer citizen action and helping people. I deeply respect him for it.

Mr. President, I think that one of the things I want people to know who are watching this debate is that there are some other things going on in the Senate right now that are extremely important. This piece of legislation, I think, can be debated and people can deal with the substance of it, but at the moment, just speaking for Minnesota, and I know there are other Senators that feel very strongly about this in the Dakotas, we have a disaster relief bill we are trying to get through the Senate.

Mr. President, I think one of the stumbling blocks right now—and I am really sorry that my colleague from Georgia is faced with this, because I think it has nothing to do with him at all—with the disaster relief bill, on the one hand you have people like Chairman STEVENS of the Appropriations Committee pushing hard to help. I am sure of that. But you now have a proposal—and I am not sure who exactly is playing this game, and it is a game—to attach a continuing resolution on to a disaster relief bill. Mr. President, I think that is the problem we are faced with.

The whole issue of liability, the whole question of what kind of tort reform there might be in relation to nonprofits and citizen volunteer efforts is important. We should get to that legislation. We should vote it up or down. I am pleased to debate it. But at the moment I say that I think the business of the Senate and the House is to get the assistance to people who have really been faced with a real disaster in their lives. People in Grand Forks and East Grand Forks, everybody that lived in the city had to vacate. People are not going to be able to get back on their own two feet. They will not be able to repair their homes. They will not be able to start their businesses again. This is a life-or-death issue. I do not think I am being melodramatic. We were so hopeful there would be action.

Again, I thank Chairman STEVENS for his work, and certainly Senator BYRD for his work, but now we have a development which, essentially, led to the committee today essentially having to call off its business. It is this proposal that comes from somebody, or somebodies, to attach a continuing resolution.

Now, for people who are listening to this debate and wondering what is that all about, let me just be clear about it. What this continuing resolution would do is, it would essentially attach on to a disaster relief bill 98 percent of this budget, although if you look to next year, it amounts to a 7-percent cut. In other words, rather than having up-or-down votes on appropriations bills, having an honest debate about what our priorities are or are not, some people would like to play this game of attaching on to what was supposed to be a disaster relief bill to provide assistance to families who were waiting for this assistance, who are hoping for this assistance, who are paying for this assistance, now we have this new effort which would put into effect cuts in the Pell grant program—I will not even go through all the statistics—work-study program, education for disadvantaged children, literacy programs, National Institutes of Health programs, Head Start, senior nutrition, the list goes on.

Mr. President, in all due respect, I do not know whose proposal this is, but I think it is a cowardly way—and I am pleased to debate anybody who wants to debate me—it is a cowardly way of loading junk on to a disaster relief bill.

Mr. President, again, I give all the credit in the world to people like Senator STEVENS, who is in there pitching for us, but I do not know who decided to do this, but it is really crass. Mr. President, the President has already said that he would veto such a piece of legislation because, as President of the United States of America, he cannot go back on a commitment he has made to people, the commitment he has made to Pell grants and higher education, the commitment he has made to Head Start, the commitment he made to nutrition programs for senior citizens, he cannot put, through the back door, cuts in those programs.

I make a plea, and I would like to have a discussion with my colleague from South Dakota about this. I would like to make a strong plea to colleagues. Please join the efforts of Senators like Senator STEVENS, who is in there pitching for us. Please understand there are people in the Dakotas and Minnesota who are really praying for help, who believe we will come through for them, who believe we will be able to help their families, who believe we will be able to help them get on their own two feet so they have a chance to rebuild their lives. Please do not attach this junk on to what is supposed to be a disaster relief bill. The business of the Congress right now ought to be to pass this disaster relief bill and get the assistance to people who need it.

I just ask my colleagues, the Senator from North Dakota and the Senator from South Dakota, what you are hearing from your own States?

Mr. DORGAN. Well, if the Senator from Minnesota would yield for a question. Mr. President, I spoke earlier this morning, and it is not my intention to upset anybody who might have another agenda, except to say that the most significant agenda at the moment is to deal with a lot of folks who have been put flat on their backs by an act of God they didn't expect or request—by floods, fires, and blizzards. In the State of North Dakota, for example, in Grand Forks, ND, an entire city evacuated. I was in the middle of a town in a boat, a town of 50,000 people in which nobody

lived. Water was up to the eaves trough in some of the houses. You could barely see the tip of the roof. It was the most remarkable thing I have ever seen. It was a most devastating circumstance—except for loss of life. Thank God, we didn't have much loss of life.

Family after family are losing their homes, their personal property. Many of them lost everything they had. But they haven't lost hope. Part of the hope is that we will do what is necessary to extend a helping hand to folks, to say that you are not alone, the rest of the country cares about you. As we have done with others around this country, in fires, floods, tornadoes, earthquakes, and other disasters, we have said here is some significant help to get you on your feet and help rebuild and recover and give you some hope.

To the Senator from Minnesota, I ask this: We have had tens of thousands of people in North Dakota displaced as a result of the floods, and the resulting fires as well. I assume that the similar circumstance exists—in East Grand Forks, the entire city was evacuated. I know the Senator has some numbers on evacuations. But is it not the case that Minnesota, South Dakota, and North Dakota probably suffered the most significant natural disaster we have had in the history of our three States?

Mr. WELLSTONE. I say to my colleague—and I am pleased to take questions from both of my colleagues—he is quite right. It is a nightmare. It is something that nobody ever could have predicted, and everybody had to be evacuated from East Grand Forks. In other towns, like Breckenridge or Ada, not everybody in the town had to leave, but in Ada, the school is destroyed and has to be rebuilt. People had to be evacuated from a nursing home. There was a tremendous amount of damage. The community center was essentially destroyed. In Breckenridge, I met small business people who said, ''We need start-up grant assistance.''

Again, I say to my colleagues, I understand the importance of this piece of legislation that is on the floor. But at this point in time, I think the first priority ought to be to get this disaster relief to people. I believe we operate by the rule, Mr. President—I always have as a Senator—that it is ''there but for the grace of God go I.'' I have always voted for disaster assistance for other States because I know something like this could happen to people in Minnesota. We count on people being there with us. I don't want this to be something that is symbolic. We need to get assistance to people—not 100 percent replacement, but at least something to help them get back on their own two feet.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to.

Mr. JOHNSON. First, the Senator from Minnesota has done yeoman work in trying to bring relief to the tremendous, catastrophic disaster that has taken place in Minnesota, North Dakota, and South Dakota over the recent months. We have 125,000 people rendered homeless in those States currently. I have visited all three States, and I have seen families, even those who can get back into their homes, who have no sewage, have no water, the roads are broken up. They are doing dishes in campers and using port-o-johns that are temporarily installed in the front yard, and sandbags are everywhere. It is chaos in so many of these areas. Livestock have been lost, equipment has been lost, buildings have collapsed under the weight of snow, culverts are out of place, bridges are down. The loss is a mess through this part of the northern Great Plains. It has been a disaster that has visited 22 States, although the Senator and I are most familiar with the problems, obviously, of Minnesota, North Dakota, and South Dakota. We have tremendous urgency for assistance, as this country has always done during times of this level of distress.

It appears that if extraneous language is added to this disaster legislation, for which there is broad-based bipartisan support, that will jeopardize the passage of the legislation and, even if it were to pass, would subject it to a veto and we would be back to square one. Timeliness will have been lost and we will have delayed the level of assistance that is so badly needed on an urgent basis.

I ask the Senator from Minnesota, does it appear to the Senator that among the most egregious things trying to be added or forced on to this legislation are proposals that, while they are referred to as a 98-percent CR, which to many people would sound reasonably innocuous, but the real consequence of that would be, would it not, over the coming year that we would in fact see college aid cut by $1.8 billion, 400,000 students would lose Pell grants, 52,000 children would be cut from Head Start, we would have to end the Crop Insurance Program—one of the very vehicles that is being used to provide some level of relief for the farmers and ranchers who have been badly hit by this disaster—200,000 veterans would lose medical care, 700,000 mothers and infants per month would lose Women, Infants and Children Nutrition Program services, Indian health services would be cut, there would be 500 fewer air traffic controllers and 173 fewer security officers hired for purposes of air security. Is it not correct that not only would we have to buy into this, but I would have to ask the Senator from Minnesota, procedurally, is it not also correct that we would not be permitted a vote up or down and there would be no debate on policy initiatives of such enormous consequence if we were to allow this kind of extraneous language onto the emergency legislation that we so badly need to pass immediately?

Mr. WELLSTONE. Well, Mr. President, in response to my colleague from South Dakota, first of all, he is quite correct about what this continuing resolution would mean in personal terms for people in our States. Actually, if you look at a 98-percent cut—we can see where other cuts have taken place. As a matter of fact—and my colleague outlined some of the figures—let's translate it into personal terms one more time. I do not believe that people in South Dakota or Minnesota or others across the country are interested in reductions in financial aid and Pell grants so that higher education can be more affordable. I do not believe that. We have been reading about and talking about the very early years being so important in the development of the brain, that we have to make sure children at a very young age have adequate nutrition. Do you know what? We can't play symbolic politics with children's lives. If we are going to be espousing that, we better make the investment. I don't think people want to see cuts in nutrition programs for children.

Mr. JOHNSON. If the Senator will yield, would the Senator agree that there is an appropriate time and place for a debate about whether Head Start should be continued or whether crop insurance should be continued or nutrition programs should be continued and at what level, and that the timeliness of that debate ought to be in the context of the appropriations process, rather than doing an end-run on the normal process and tying it to this badly needed legislation?

Mr. WELLSTONE. I say to my colleague from South Dakota that that is precisely the case. I was simply trying to make the argument that I believe these cuts are not acceptable to people in the country, and this is not an intellectually honest or policy-honest way of doing it. We can have the debate on all these appropriations bills and we can have up-or-down votes and be accountable. I think this is a very cowardly way—and that is a pretty strong word to use—or a back-door approach to try to make cuts in some of these programs that are so important to the lives of the people we represent, and it is just adding junk onto what should be a straight disaster relief bill.

Let's not play around with the lives of the people in the 22 affected States. I invite any of my colleagues, I say to my colleague from South Dakota, before you do something like this—and, again, I know Chairman STEVENS has tried to be in there pitching for the people in our States—before you play this kind of game, come on out and look into the faces and eyes of some of the people. They are like refugees. The people in our States are like refugees. They are homeless and are trying to get back home and are trying to repair their homes. They are trying to move back into their homes with their children. Why play this kind of game with their lives? Let's bring this disaster relief bill before the Senate, and let's get the assistance out there to people who need it.

If my colleagues then want to propose reductions in Pell grants and nutrition programs for senior citizens and reductions in the Women, Infants, and Children Program, and in all of the veterans benefits, go ahead and do it. We will debate it all. But this is an effort to essentially close off debate, not be accountable. I say to my colleague from South Dakota, the political part of it that I think is worst of all is those who are playing this game—and I hope it is very few, so they will back off—know the President will veto it. He would have no other choice. But then people are still waiting back in our States.

So we urge our colleagues to please not go forward with this proposal. I cannot say anything more important right now. I say to my colleagues from Georgia and Wyoming, it is not the debate you and I will really soon finish up. But I know if you were out here and it was your States, you would be saying the same thing. Please, just get a disaster relief bill through, and then whatever you want to add or debate by way of priorities on the budget, or wherever you want to cut, or whatever, we can debate that. But don't do it on a disaster relief bill. Please don't add this continuing resolution onto a disaster relief bill. Please don't junk it up. Leave it the way it is. Let's try to get the best possible assistance program through the Senate and the House. Let's try to get relief to these people.

These people are really down. But in our States we have seen the worst of times bring out the best in people. It is just amazing. We were talking about volunteer efforts. It is amazing the number of people who were sandbagging and who have taken strangers into their homes, and the number of people who have done food drives, and the number of people who are helping in every possible way. But it is really hard; it is really hard when you have been flooded out of your home, when you have had to leave your community. We need to give these people some hope now. The best way to give them hope is to try to get some of this assistance to the people.

The reason I speak with some indignation is that I thought we were going to be able to move forward. I hoped we would be able to move forward Thursday in the Appropriations Committee. There are two different issues. No. 1, we have to make sure we have categories of assistance that provide the help to individual people. We have to have the flexibility and we have to give enough money to help people get on their own two feet to rebuild their lives. No. 2, we have the threat of adding a continuing resolution, which is a huge mistake. It is playing games with disaster relief. It is playing games with the agony of people. It is playing games with the pain of people. It is playing games with families in our States. It is profoundly mistaken, it is profoundly wrong, and I hope whoever is thinking about doing this will please not do it.

Mr. President, I thank my colleague from Georgia for letting me speak.

I yield the floor.

Mr. COVERDELL. Mr. President, I want to make it clear that the proposal that is before the Senate is a motion to proceed to S. 543, which is the Volunteer Protection Act. I will work right off the comment of my colleague from Minnesota that we should not be playing politics or symbolism for something that is as central and fundamental as trying to respond to people in need. The very volunteers he talks about, this legislation applies to them. In fact, the Senator from Kentucky earlier today referred to the problems involved with his floods. As you know, my State suffered a 500-year-level flood from Hurricane Alberto, 200 miles long and 200 miles wide, as it marched throughout the State. I hearken to the point that the Senator made, that sometimes the worst of times produces the best in people. I don't think anyone has ever been through any of these that have not seen, with great admiration, the spontaneous response of neighbor to neighbor, American to American.

The legislation before us ought to be managed, in my judgment, in about 2 to 4 hours. It is 12 pages long. Its concepts have been before the Senate for 12 years. Yet, we are in a filibuster over whether to even be able to debate legislation that, certifiably, is directed at the very people the Senator from Minnesota is talking about, and that is the thousands upon thousands of volunteers from his State and from other States. That is another key point. I know right now—I don't know the number—that there are thousands of volunteers in your State and others' that don't live there. They have come from other States, which is the very point that we have been making. The context of parameters around the protection of good people just trying to respond is a national issue.

Mr. WELLSTONE. If the Senator will yield for a question, I want to ask this question of the Senator because I have to leave soon. I didn't want to walk out because he makes a very important point. Would the Senator agree with me that it would be best if we could come together as two parties and work out these disagreements when it comes to what is going to be on the disaster relief bill or when it comes to Alexis Herman or judicial appointments, that we can work out an agreement and stop basically leveraging different pieces of legislation? I don't agree with the Senator on some substantive grounds. But I am sorry the Senator is caught up in this. I mean that sincerely. Would he agree with me that we really have to come together and work these things out? Because I understand the Senator's conviction about this particular piece of legislation, but I also hope that the Senator will understand my conviction about the mistakes of now adding a continuing resolution and trying to put into effect all sorts of budget cuts onto a bill that should be a disaster relief bill. Does the Senator agree that we need to get away from all of this?

Mr. COVERDELL. I think there has been great discussion in this 105th Congress, I say to my colleague from Minnesota, about a bipartisan effort. That does require a give and take. Right now, it would appear that in several quadrants that is difficult to achieve. I have served in the legislative body an extended period of time, and I think what the Senator points to is always the laudable goal and what all of its Members should reach for. I am sure the Senator from Minnesota will agree. I am not surprised that, from time to time, very powerful interests and emotions cause these kinds of strenuous areas. I commend the Senator for being attentive to the needs of his State. It is exactly what he should be doing. I have been there myself. I hope that as we move through the week, the resolution of the issue which he addresses can be accorded. I appreciate the interest in the legislation.

Mr. WELLSTONE. I thank the Senator from Georgia. I say that I am interested. I don't agree with him, but I understand exactly why he wants to move forward.

Mr. COVERDELL. I understand your caveat.

Mr. President, we have been joined by the Senator from Pennsylvania, who, I might say, has been at the forefront of a concept called the ''renewal alliance.'' Even before this legislation was put together, the Senator from Pennsylvania and others—and I have been pleased to be a small part—have been engaged nationally, not just in Pennsylvania, in reaching out, just as this summit did in Philadelphia, and tapping the compassion of the American volunteer on all levels to confront some of the most difficult problems with which our country is beset. It is entirely appropriate, and I am very pleased that he would take time to come to the floor and talk about what the Volunteer Protection Act means and does for the very effort that he and these other Senators are pursuing.

I yield the floor to the Senator from Pennsylvania.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Chair recognizes the Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair. I thank the distinguished Senator from Georgia for his kind words and congratulate him on many counts. No. 1, for this piece of legislation. And while this piece of legislation has been around in various forms for quite some time, one thing it never had on its side was PAUL COVERDELL in a leadership role.

One thing I found out about this place is things happen when people have the energy, the enthusiasm, a good plan, a good game plan and a willingness to work hard to bring the issue to the fore, and PAUL COVERDELL does

that with every issue I have ever seen him engage in. He has taken this issue and plucked it out of obscurity and driven it to the front here at a very appropriate time.

And so the Senator's sense of timing is magnificent in bringing it up here at a time when many of us, who just yesterday were in Philadelphia at the volunteer summit, were very moved by what was going on there, excited about the opportunity. I had a tremendous opportunity personally to have a good, long talk with Harris Wofford, who, as you know, I succeeded in the Senate. We had a really delightful conversation about how this is a project that, while we may be apart on very many things, we can find common ground on and work together on. In fact, we worked together a lot on the summit, to make sure that a lot of the small organizations, small charitable organizations and nonprofits were included. We understood the significant role that they play in the nonprofit community of America, the volunteer community of America.

So we saw a lot of coming together—right, left, Republican, Democrat—in Philadelphia. It was a wonderful experience. Bringing this bill to the floor was a hope, I guess, on the Senator's part, and certainly on mine, that we would see that spirit continue in the new Capitol of the United States, not where it all started in Philadelphia.

It is unfortunate that we had a failure with this cloture motion today just to move to the bill. I think it is in some ways disturbing. We have in a sense solidarity going on on a subject that is at the core of who we are as America. I think we had a coming together, an understanding of the need for all of us to go beyond ourselves and look to each other and look at our brothers and our sisters and our neighbors, at their needs and the needs of our communities in fulfilling the promise of America. That was so clear in Philadelphia and yet becomes somewhat murky and cloudy here on the Senate floor, of all places, where it should be critically clear that is in fact the prerequisite to success in America.

It is disturbing, but I am confident, as I am sure the Senator from Georgia is, with continued effort we will bring to the American public, as we try to do this afternoon and hopefully will do in the next several days, the importance of this particular piece of legislation in making what is going on in Philadelphia a reality.

I heard the Senator from Georgia, the Senator from Indiana, the Senator from Kentucky, and others talk here about the importance of this legislation to so many nonprofit organizations all across this country. I could speak for Pennsylvania because that is where I have done the majority of visiting nonprofit organizations that serve the needs of communities, the team mission in the city of Chester in Delaware County, where I was just a few weeks ago, and I asked about the issue of the costs associated with liability insurance.

The director there told me that his costs have skyrocketed in the last few years and now he is paying tens of thousands of dollars for liability coverage for his board, just a nonprofit board of well-meaning people in the city of Chester who want to serve in a capacity of helping, promote, organize, run, operate a mission in the city of Chester which has gone under some very tough times over the last several years. They are expending thousands and thousands of dollars on liability coverage to protect themselves and their board members, and they have trouble getting board members and, frankly, have trouble sometimes, as I have heard from many other shelters and many other places, getting people to make a commitment, whether it is a volunteer commitment, whether it is a commitment of resources of some sort, whether it is equipment or loaning people a car or other things. They are scared to death of getting sued; we have become so litigious as a society.

The Senator from Georgia has come forward with a great idea of saying let us at least focus on something that is noncontroversial, the human capital involved in serving our fellow citizens, the volunteer, whether it is the volunteer board member or the volunteer out there, big brother or sister or someone else. I would think of all the proposals that we have put forward—in fact, just last year we put forward a proposal in the same kind of genre. We had a bill which was called the Emerson Good Samaritan Food Bank, named after Bill Emerson, a late Congressman from Missouri, who was a tremendous champion for hunger in America, for feeding of the children of America. Shortly before he died last year, the bill passed in the House, and I was privileged enough to carry that bill here to the Senate and finally pass it on the last day, but I will tell you it took weeks, maybe even months—my memory is a little faded right now, but maybe even months—to get that bill which passed unanimously in the House even to be voted on here on the Senate floor. One Senator or another kept putting holds on this bill.

This bill was very simple. It said if you give food to a food bank, we are going to raise the standard from negligence to gross negligence. A lot of States have done similar kinds of measures, some have not. This was a voluntary thing. We had a statute on the book—it was not a statute, but it was a suggestion to States with language to do this. It was not a law that required them to raise the standard from negligence to gross negligence. The special interests lobby that has been debated here often on the Senate floor today found one Senator after another to block it, to try to amend it, to gut it, to do everything they could. And finally several of us got together and said certain things aren't going to happen around here that did not happen before we left, that if it did not get through, we were going to get up on the floor and start exposing Members of the Senate who were putting holds on this bill and tell them, you want to feed the hungry but you do not want to allow those who process food and who sell food, whether it is in restaurants or grocery stores, to give it, because surveys showed 90 percent of the people, companies, organizations that refused to give food to food banks refused because they were afraid of legal liability, yet not one person had ever been sued, not one person had ever been sued or taken $1 out of any lawyer's mouth. And yet they still held the bill up.

Well, now we are talking about areas that people actually do get sued, and so we have the special interests out in force to stop this piece of legislation. And they were successful in convincing enough Members on the other side of the aisle to do just that. I think that is unfortunate.

This issue goes beyond the issue of just voluntarism in its broadest sense. I think you have to understand—and again this has been highlighted in Philadelphia but I think needs to be highlighted here—the importance of voluntarism and community organizations, what DAN COATS refers to as the mediating institutions in our society, those that are the buffer between the individual and the Government, those just in free association to help each other out in our own communities to solve our problems and to be that sort of close-knit group that really makes things happen on a local level. Those mediating institutions, those nonprofit groups, those civic associations are so important for our survival as a country.

We are a great country for a lot of reasons, but I can tell you that most people do not think we are a great country because we are the greatest superpower, we are the greatest economic power, we have the greatest, most powerful Government. Most people come to this country because they want to get out of a country that has a powerful government that dictates to them. They come to this country because they want to freely associate and raise their family and have the freedom to work where they want and solve their own problems in a community setting. Voluntarism is key to making that happen.

It is so important for us as a society to recognize, to lift up the volunteer as really the unique thing about America, the unique thing. The unique instrument by which we govern ourselves is that small organization that solves most of the problems in our community. Not the big Government, but those small, local organizations with the volunteer participating that solves the problem but does even something more. It brings out the best in the individual, the volunteer.

Most of the people here volunteer for one thing or another in their lives.

How many people, when they volunteered, left that assignment, that mission, that duty, and as they are walking out say, ''You know, I helped somebody. But, you know, I got more out of it, I am sure, than that person that I helped got out of it.''

See, voluntarism is not just about helping somebody else. It is about understanding more about yourself, it is about broadening your own horizons. It is about a real fundamental understanding of what your purpose is as an individual in our society. So, to the extent that we put barriers up to people experiencing that growth, their own personal growth, as well as a barrier to meeting real human needs, we are all—those who need the help and those who are not participating in helping—both lose. And what we have seen, and you have heard all the numbers and all the statistics—you have seen how this problem, this barrier, is a real barrier. This is not something that we cooked up and said, ''Gee, let us just throw something out here to really honk off the other side.'' This is a real barrier.

We heard Lynn Swann talk about it from Big Brothers and Sisters. We heard Terry Orr, former Washington Redskin, talk about it from Little League. And Senator COVERDELL has read letter after letter at hearings, and others—we know the volunteer organizations tell us, plead with us to give them some breaks here. They need this relief if they are going to serve their duty, their mission, as well as ennoble the people who volunteer, get us to connect with each other.

One of the great things, and reasons I am so excited about the Project for American Renewal and the Civil Society Project that Senator COATS and Senator COVERDELL and Senator ASHCROFT and Senator ABRAHAM have been working on here in the Senate, and Congressmen WATTS and TALENT—I want to mention Senator HUTCHISON, who has been very involved—and Congressman PITTS—I could go on. But the most exciting thing, in focusing in on trying to empower the local communities, the nonprofit organizations, to do more, is—yes, they do it better. No question. They are more caring, more compassionate. They do it better, they do it cheaper, much more efficiently. They are volunteers. They have people who do this because of real motivation, inner motivation—in many cases spiritual—but true, true inner compassion, not because it is a paycheck. Not to say those who do it because it is a paycheck do not have compassion. But that volunteer spirit just comes through and people understand it. That is important.

But the most important thing that it does in my opinion is it reconnects us. One of the things I really fear about our society is we are becoming less and less connected to each other. You know, you can sit in front of a computer terminal right now and basically live your entire life without having to move. You don't have to go outside. You don't have to know who your neighbors are, or the people down the street, or go to church. You can do it all through television or through your computer.

So we end up, as a society, that people—I am all for individualism. I think individualism is great. But, you know, we hear so much about individual rights and individual freedoms and all that stuff, we forget about the responsibility that we have to each other and our neighbors. This is a way to begin.

All these things are in Senator COVERDELL's legislation. I have introduced several pieces of legislation along the same lines that I hope someday we can bring up. I have not brought them up on this bill because I think this is so important that we move this forward, but we have other pieces of legislation I have introduced to encourage people to participate, to connect again, to get outside of that door. There are people who need you and, whether you know it or not, you need them.

To the extent we, here, in the U.S. Senate can remove a barrier, can say: Look, don't be afraid of helping. Don't be afraid of asserting yourself. Don't be afraid that someone, Big Brother or big lawyer is over your shoulder, looking down at you, analyzing everything you say and do. Go out there and follow your heart, do what you know is right for your community and for the kids. The summit focuses so much on kids. A lot of the folks we are going to be helping are kids or the elderly—people in need.

So, what Senator COVERDELL is doing, what we are trying to do with the Renewal Alliance, is to empower those local groups to bring down the barriers that stop them from serving more people, to bring down the barriers that are almost in front of people's doors so they do not go out and minister to the needs of their neighbors much less—I should not even say that. In some cases they do not even bother to know who their neighbors are. They just do not want to get involved. ''There are all sorts of things that can happen to me if I get involved.''

We have to be a country that stops thinking like that. Look, I am not suggesting people do not have legal rights, that if they are harmed they should not have rights and recourses. And we preserve that in this legislation. We are saying, if you are grossly negligent or you are reckless in your conduct, you can be sued. And the organization, no matter whether the conduct was negligent or grossly negligent, could still be sued. It is just the individual volunteer, if they happen to do something maybe they should not have, or said—I said something I should not have. I did not mean any harm. It was not reckless, but I just threw a baseball at somebody and the kid didn't look.

Hopefully, I will not get sued. I did not mean to hit the kid. But, believe it or not, people get sued for that. It is those kinds of actions, those kinds of lawsuits that have such a chilling effect on the human nature that is so typically American, to give, to go out and meet the needs of the people.

So, I congratulate, again, the Senator from Georgia for his tremendous leadership. I cannot say enough, that this bill is where it is today and we are moving forward with this, because of his energy, his enthusiasm, his vision in moving this forward. I stand ready to help him every step of the way to make this happen. I think this is important in bringing down those barriers. It is important in building a better, more civil, more responsible, more compassionate, more connected society. To the extent we can make some little contribution here in the U.S. Senate, we should do so and we should do so immediately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. If the Senator will yield for a moment; earlier this morning there was discussion, almost because we are Republicans, about the national application of the act. And of course we have explained the national proportions of it, that volunteers are mobile. They are going into Minnesota and North Dakota right now. These organizations have national application.

The Senator mentioned the Emerson Act. For a point of clarification, that legislation, which you struggled through and you were fighting the same kind of forces that we are here, had national application.

Mr. SANTORUM. That is correct; it was.

Mr. COVERDELL. In other words, we have established the precedent in this area.

Mr. SANTORUM. In the past year, I might add, we passed it by unanimous consent; without an opposing voice, in the end, to getting this legislation passed. It had national application. The reason is it was clearly understood that these products travel, just like volunteers do, over State lines. There are companies that are multinational, not only multistate but multinational companies that produce goods, food products. If there was a chilling effect on one side, they would probably have a uniform policy against it. So we understood the nature of the goods involved and, obviously, Members on the other side of the aisle understood it also and went along on a unanimous vote and it was signed by the President.

So, it is now law. I can tell you from the experience that I have had, talking to those at the soup kitchens and food banks, contributions are up. And I am somewhat surprised, because most of the places I go to, oddly enough, do not even know we passed the law. Most of those at the soup kitchens and food banks do not even know they can now tell the grocery store or restaurant or pizza parlor, that maybe has some extra pizza there at the end of the day

or whatever, that they can ship it over here and you do not have to worry about a serious legal liability.

It has gone up. It is just by some of the folks who happened to pick it up. I just suggest, for, hopefully, those listening here, and for those Senators in particular listening, we did something in Pennsylvania as a result of that just recently, where we sent a letter out to all the different food banks and soup kitchens in my State to inform them of the legislation, to encourage them. And, in fact, I even offered to write the different grocery stores, food processors, and the like in my State, to encourage them.

We have a duty here, as leaders in our community, to try to effectuate that change. But, it was a long answer to the Senator's question, but I do so because I want to emphasize, not only did this pass bipartisanly, signed by the President, but it has already had a positive impact even in the first 2 months, the proportions of which I don't think we know yet because I don't think the information has been disseminated to all the parties who could benefit from this knowledge.

Mr. COVERDELL. The reason I asked the question was, first, to deal with the question brought up this morning about the importance of national policy with regard to—I mean, the summit was not about volunteers in Pennsylvania. The summit was about volunteers in America. This legislation is designed to protect volunteers in America.

I will close with this and yield to the Senator from Missouri. Imagine, if you would, Senator, what will happen when Little League Baseball and United Way and the American Red Cross can stand up and say, ''come on, volunteers. We have removed a major impediment for you to come forward.''

Given your example, you can imagine. We will be freeing up America to get back to what it has always done so well, volunteering, and responding to that eloquent address you heard in Philadelphia from President Clinton.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I commend the Senator from Pennsylvania and the Senator from Georgia for talking about very important things that relate to the way in which we will operate as a nation, whether we sink or swim, whether we survive or succumb in the next century. I do not think Washington is the answer to the problems of this country. I don't think it is Wall Street. I think it is Main Street. It is how we respond to issues as people, what the character of America is.

I believe we have the right character in this country. It is historically understood; it has been recognized by people around the world. Other countries don't solve problems the way Americans do, and, frankly, they don't solve them as well as we do. They reserve to Government, to the heavy hand of bureaucracy, so many things that we just like to roll up our sleeves and attend to ourselves.

We have to be careful that our system of resolving disputes does not impair our capacity to release the energy and the creativity of the problem-solving nature of the American people.

Over the last 30 or 40 or 50 years, we have seen a constant creep of Government and of rules about dispute resolution that has made it harder and harder for individual citizens to be involved in doing good, which is really the character of this great country.

Alexis de Tocqueville, whose ride through America 150 years ago is being celebrated by C-SPAN this year—as a matter of fact, they are duplicating it—put it this way: America was great because her people were good. It wasn't because we had the corridors of the bureaucracy in Washington well populated, or it wasn't because the Congress was a particularly strong or effective body. It was because people were good. He talked about the fact that people formed associations and formed groups and alliances for almost every purpose in this country because free people, when they see a need, meet the need. That is what we want America to be.

We have had so many problems recently where we found that our system for litigation has made it hard for people to solve problems. As a matter of fact, the Gallup organization conducted a poll in which it found that one out of every 10 charities surveyed said they have had trouble with litigation and it has caused people to refuse to serve on their boards of directors and the like.

Frankly, a number of States responded to that poll, and they enacted protection for the people who are on the board of directors of the Red Cross, or the board of directors of the United Way. That was an appropriate thing to do to protect those individuals. But the average neighbor of mine is not on the board of directors of the Red Cross. My average neighbor and my own activity have more often been just in the volunteering capacity, doing the work, driving the Meals on Wheels. I have driven Meals on Wheels routes over and over again. I wasn't on the board of directors.

It strikes me that it is appropriate to protect the folks on the board of directors, but how about the volunteer? It is OK to protect the silk-stocking folks in the boardroom, but how about the person on the front line? How about the coach of the Little League, one of the cases I previously mentioned, that was shocking to the conscience of the American people. As a matter of fact, it still almost strikes me as being humorous, the case in Runnemede, NJ, 15 years ago.

The coach sent the kid from shortstop to left field. The mom protested: ''He's a born shortstop, not a left fielder.'' A fly ball came. The kid missed it, the ball hit him in the eye, and the coach got sued.

Mr. President, we cannot have the value of male role models —and we need them desperately in our cities and our communities —and the discipline and sense of teamwork that sports provide to help people develop and have a situation where a mom can say, ''Well, my son plays only shortstop and not left field, and if you put him in left field, you'll be the victim of a lawsuit.''

I have also talked about the fellow who was the Scout leader in the Northwest, with the Cascade Pacific Council, and the boys who were playing touch football. I suppose they must have proven he was negligent for allowing the boys to play touch football. I don't think our Scoutmaster could ever get us ratcheted down below flag football. We wanted to play tackle football. Here the restraint had been exercised to play touch football, and the scoutmaster ends up with a $7 million judgment against him, because he cared enough about the young people of his community to volunteer. Yes, the courts did reduce the judgment from $7 million to $4 million. Well, for most folks, $4 million isn't much better than $7 million.

It reminds me of the first time I got sued. I called my wife Janet. I said, ''Good news and bad news.''

She said, ''What is the bad news?''

I said, ''We've been sued.''

She said, ''What is the good news?''

I said, ''Well, it is for $65 million.''

It wouldn't make much difference if it was for $650, we didn't have it.

The point is, you have folks willing to volunteer, to extend themselves, to reach out and say, ''We care for those beyond our own circle,'' and this is what makes America America. American communities are not defined by boundary lines and streets. They are not defined by geography and statute books. They are not defined in the property records. American communities are defined in the hearts of Americans because they are groups of people who love each other. That is probably a word some people would blanch at, someone saying on the floor of the Senate that we love each other. But that is what we mean when we say, ''I'll help your son or daughter be a part of the team or scout troop,'' or ''I'll help them be a part of the soccer team. I love this community, and I'm willing to invest myself in it.''

What is the price tag for investing yourself in a community now? We have a legal system that may make the price tag your own children's college education, or your car, or your house. A $4 million judgment for being a Scout leader and for somehow not stopping a touch football game among boys? That is a pretty stiff price tag to pay.

I am reminded of the case in Evanston, IL. The Junior League wanted to set up a shelter for battered women. No insurance company would insure them. What happened? The shelter didn't happen. The insurance company said, ''You have to run the shelter for 3 years before we will extend coverage. Because of the litigious nature of our society

and everybody suing everybody, even the people you are trying to help turn around and sue you, and since our court allows it, we won't insure you until you have had 3 years of experience showing us you can run the shelter and what the risks will be.''

We are still waiting for the 3 years of experience, but we don't have the shelter. We are out of whack, and we need to readjust this. We need to put it back in a framework where ordinary citizens can offer themselves. This isn't something that is localized or just a tiny fraction of the country. It is all across the United States of America.

Here is a statement from the president of the United Way of San Francisco. I believe this was a couple of years ago:

> As fear of lawsuits drives away volunteers, it does more than threaten or lower the number of people available to charity. It threatens to bureaucratize organizations known for their hands-on approach. It would replace the personal touch with the impersonal touch of organizations afraid to be different.

Here is an interesting article, entitled ''A Thousand Points of Fright?'' Not a thousand points of light. We do need for people to be points of light. I didn't think a thousand points of light was corny. I thought it was the character of America. I thought it reflected what is great about this country, the fact that we care for each other, we literally love each other enough to put aside some of our own ambitions, to set aside some of our own time to make some sacrifices. But should we make the sacrifice the ultimate sacrifice? Should we make it so that you have to risk everything that you and your family stand for?

The article says:

> Lawsuit fears are dampening enthusiasm for volunteers, and the White House is beginning to take notice.

I am grateful the White House is beginning to take notice. I was in Philadelphia on Sunday and on Monday, and I commend the President. I think inspiring us to be the very best we can be and to help each other in this culture is inspiring us to be what we ought to be as Americans. But it takes more than inspiration, especially in the context of litigation, where we might face the potential that we would make it impossible to provide for our own families, to see to it that our children have what they need, just because we cared enough about our community to do something special, something extra.

The proposal before us says if you want to volunteer, we will provide an opportunity for you to do so in a context of reasonability. It simply says you are not going to be responsible for harm while you are delivering those services in a reasonable way. It does not relieve the organizations of responsibility. It just says that the volunteer himself or herself will not have to give up his or her family's potential in the next weeks, months, years, or decade or so, or whatever it is that would result from an extraordinary judgment.

Over and over again, whether it is the ''A Thousand Points of Fright?'' article, whether it is the president of the United Way of San Francisco, whether it is the story about Runnemede, NJ, and the Little League or the story about the Cascade Pacific Council and the Scoutmaster with the $4 million judgment, we know there is a problem, and we ought to do something about it.

We know there have been some things done, mostly to protect people in the board rooms and on the foundation governing bodies. But what happens to the average American who is not on the board but just a person who cares enough to give some of his own time or her own time, the most valuable thing?

Perhaps more, in terms of the children of America—and the conference in Philadelphia focused on children—the thing that we lack the most is not money. The thing we lack the most for children is relationships. The Government has been spreading a lot of money around for a long time, but the kids are without role models, they are without relationships, they are without the opportunity to learn from adults. I think it is time for us to begin to provide a context in which that relationship can reappear, and that is what this bill is all about.

This bill relieves volunteers of liability for acts which they would conduct in the course of doing what they were asked to do by charitable organizations. As it relates to the charitable organizations themselves, it establishes rules that would limit the kinds of cases in which there would be punitive damages and limits certain kinds of joint and several liability which provides a basis and a context in which we can expect to elicit far more help for people who need help in America.

It seems to me that that is something we ought to pursue, and I think it is consistent with what the business of this body, representing the people of America, ought to talk about.

So I am pleased to commend Senator COVERDELL of Georgia for submitting this outstanding legislation, and I hope, as we work to make it an avenue for helping people help each other, that we will do the kind of job which will allow us to look back with gratitude on people who are able to help one another without the threat of a legal system making it impossible for them to serve.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, what is the parliamentary status at the moment?

The PRESIDING OFFICER. The question before the Senate is the motion to proceed.

Mr. KERRY. I thank the Chair. I will speak for a few moments on the motion to proceed.

Mr. President, I would like to comment, if I can—I was sitting here actually thinking about some other remarks—but I want to comment on the remarks of the distinguished Senator regarding voluntarism and sort of the special spirit of America that we talk about, which many of our colleagues in the Senate fall back on as a place to suggest we can deal with a lot of these problems of children.

I heard my colleague say that it is really not a problem of money, it is not a problem of resources; what we need is this special spirit, we need to tap into this spirit.

Mr. President, I am all for tapping into that special spirit, but I have to tell you, in too many communities that I visited, it is also a question of resources.

I mean, I went to the middle school in Charlestown the other day with the drug czar and asked a bunch of kids in the middle school, aged 10 to 14 years old, what time they leave school. They said, ''Well, we leave school at 1:30 or 2 o'clock in the afternoon.'' And then I asked them, ''Well, how many of you are home alone with nothing to do, with nobody at home, no parent between the hours of 2 o'clock and 6 or 7 in the evening?'' And 50 percent of the hands went up, Mr. President.

I then asked, ''Well, how many of you have access to an afterschool program, Boys or Girls Club, parenting, or some sort of program?'' Well, they did not. More than 50 percent of the very same kids who had to go to a home that had nobody home raised their hands.

You know, we can talk about the special spirit of America, and we can talk at great length about the capacity to be able to tap into voluntarism. But first of all, volunteers have to be organized. Volunteers have to be trained. I mean, volunteers cannot just show up one day and say, ''Hey, I'm qualified to take care of a kid who is an infant or a toddler or kids in the middle school'' and not know how to show up at the school, not know what to do, not even know if there is a program for them. Somebody has to work through that process.

In a lot of communities we are lucky enough to have some entities that try to do that. But I can show you a lot of communities where, despite the fact that they have the entities that are trying to do that, they are just absolutely overwhelmed by their lack of private resources and private commitment and private individuals to be able to reach out and grab these lives and bring them back from the precipice.

I do not want the Government doing it. I am not suggesting that we are better off having some big Government program come down and do this for those things. But I am suggesting that unless you empower some of those entities at the local level with the resources necessary, this is all one great farce. It is a masquerade.

In Brockton, MA, we have 22,000 kids under the age of 18. We have a converted armory in Brockton that is their Boys and Girls Club. I have been there many times talking to their peer leaders who tell me that for the 2,000

kids who get access to it, it is very helpful. But then you ask the question, the really pregnant question, what happens to the 20,000 kids who do not get access to it? And the answer is, they are hanging around the streets.

So, you know, I mean, does anybody in America believe that voluntarism is going to rescue a generation where almost four-fifths are out there, outside of access to these kinds of entities? And to make matters worse, I can take you to school district after school district where they have shut the library or it is part time, where they no longer have a sports program, they no longer have arts and music, and they no longer have even some remedial programs for some of these kids. I can take you to schools where they Xerox materials because they do not have books.

So we can talk about sort of, you know, all this, quote, ''thousands of points of light'' and other kinds of things. But the fact is—I am going to say a lot more about this in the next days—the fact is, there are some fundamental responsibilities that we have to try to deal with on these things, and we are not living up to those responsibilities. I would like to empower the YWCA, the YMCA, the Boys Club, the YouthBuild, City Year, and thousands of organizations and entities out there.

But, Mr. President, we cannot meet the demand. And not one of them have sufficient resources—not one of them. You can go to YouthBuild in Boston and find 80-some kids coming out of the court program, coming out of gangs, coming off the streets, the very thing they are talking about. Some adult is finally coming into their life to give them some kind of affirmation, some kind of self-esteem for the first time in their lives, but it is happening because of a dollar that has been decided to be spent here. And for the 80 kids who are in the program, I will show you 400 who are not. So you can decide, you know, how you are going to decide telling which 400 get what, which 80 get what.

For all the rhetoric in this country, the bottom line is, Mr. President, we are not living up to our obligations in order to provide the fundamentals of child development and child growth. And that is the great debate for this country.

We have one child every 8 seconds who drops out of school.

We have one child every 10 seconds who is reported neglected or abused.

We have one child every 34 seconds born low weight.

We have one child every 2½ minutes arrested.

We have one child every, I think, 2 hours or 2½ hours shot by gunfire.

And we have one child every 4 hours who commits suicide.

And what do we do? Well, we kind of are talking about it. We have this big thing going on in Philadelphia that will heighten some participation, I have no doubt. Some additional people will come and take part in some additional alternatives.

But there is no way we will sufficiently rescue a generation where 33 percent of the children of this country are currently born out of wedlock. It will take a massive intervention in the lives of rural and urban dispossessed and disenfranchised in order to help pull that back from the brink. The alternative is, we can wait 10, 15, or 20 years and pay $55,000 per prison cell, or $25,000 per drug treatment program, or deal with the disabilities that come from children who do not get to see a doctor when they have asthma when they are young so they wind up with permanent disabilities here or any of the permanent disabilities that come from the lack of medical attention.

And 10 million kids in America have no medical care whatsoever. We are talking about children.

Half the kids who have no medical care who have asthma never see a doctor.

A third of the kids who have an eye infection or ear infection never see a doctor.

And we are the only industrial country on the face of this planet that treats its children this way. Notwithstanding the fact that we have seen the gross domestic product of this Nation double since 1969, we have seen child poverty increase by 50 percent.

So as we go on in this debate, Mr. President, I intend to come to this floor and make certain that we deal with the realities of what are happening to the children of this country. I cannot think of anything more important. And I think this is an important part of the debate.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Minnesota.

Mr. GRAMS. I want to take a little bit of time this afternoon to talk about voluntarism, the subject we are debating on the floor this afternoon, and to add to that a discussion about the supplemental disaster appropriations bill that we will hopefully take up this week, dealing with the flood waters of northwest Minnesota and northern North and South Dakota.

I think it is a shame a bill that is so plain and so simple and so necessary as the Volunteer Protection Act of 1997, or S. 543, has been stopped from coming to the floor of this Senate for debate. I think it is kind of ironic when you look at what has been going on in Philadelphia over the weekend, the talk of voluntarism.

You do not have to attend a conference in Philadelphia to find voluntarism, Mr. President. If you want to discuss that subject, you need to look no further than those Minnesota communities that have been so devastated by flood waters. In the Midwest we consider ourselves independent. We proudly celebrate our differences, yet we also take great pride in knowing that when our communities call on us, that we are very quick to come together. We have seen that happen so many times during the flooding.

I have heard some of my colleagues talk against this bill on voluntarism and how really we need a program of training because you have to have people trained in order to come in and perform adequate or good volunteer work. That might be true in some cases, but that does not get to the heart or the point of this bill. There is not much time to do on-the-job training when there is an accident, when somebody is caught in a burning car, when they have fallen off a bridge, or another disaster has befallen them such as the flooding of Minnesota.

In Moorhead, the dedication of our young people impressed me as they worked alongside their parents and neighbors in filling sandbags against the rising waters. They did not get training for that ahead of time. That was on-the-job training, something they had to do at the time. In East Grand Forks, an army of volunteers fed the hungry, found shelter for the homeless, and comforted thousands more as the Red River swallowed an entire community. People have been evacuated from their homes, people were moved out of nursing homes and hospitals. This was all done on an emergency basis, by volunteers who offered their help and their time. Again, they do not have time for training. They react to the situation that is needed.

In Ada, Mr. President, when the easiest thing in the world would have been to give up what seemed to be a hopeless battle against the rising river, nobody gave up. Over and over again, I witnessed simple acts of fellowship, demonstrations of stewardship, and above all, voluntarism, neighbors helping neighbors, and was reminded of the spirit that brought us together as communities and that will keep these communities together, I believe in the future.

Voluntarism is a lofty goal and it usually shows itself in times of emergency, but you cannot just pass it by mere legislation. The anguish that rose every day with the flood waters has not been confined to those communities along the Red River or the Minnesota River. That pain has been felt in every corner of my State, and Minnesotans have responded with a tremendous outpouring of not only sympathy, but real, tangible offers of help. The volunteers were there when we needed them. The telephones at the Red Cross and the Salvation Army have been ringing constantly as people asked where can they send donations. Thousands have called the State's emergency operation center to sign up as volunteers for the long weeks of cleanup to come. Scout troops are also pitching in, churches are taking up special offerings, schools and families from parts of the State not touched by the floods have offered to host students without homes and teachers without classrooms. That is the spirit of voluntarism that Americans are capable of.

Mr. President, I have come to the floor to argue and to urge my colleagues to support the supplemental

disaster appropriation, again, that we hope to take up yet this week in the Senate. The breadth of the flooding in Minnesota and the Dakotas has been difficult to comprehend. If you have not been there, if I had not seen it, I would not have believed that a pair of raging rivers could produce such widespread devastation. The cost has been enormous, both in the financial costs which may run well over $1 billion just on the Minnesota side, and the emotional and personal costs to our fellow Minnesotans, many of whom watched their homes, farms, businesses, and basically their possessions just literally washed away.

I inspected the flood damage last week with President Clinton and also the week before with Vice President GORE. Without hesitation, they all assured me that the taxpayers of this Nation would stand with the people of Minnesota today and they would be there and remain with us until every family that had lost a home would have a home, and every life that had been turned upside down would somehow be righted again. Again, we cannot make everybody whole, but we need to be able to be there with whatever help and assistance we can afford. Senate majority leader TRENT LOTT made a similar pledge last Friday when he met with Governor Carlson of Minnesota and myself to talk about the promises that Washington has made, and promises we will make sure it lives up to.

It is imperative we bring the disaster aid legislation to the floor and we pass it this week. There are thousands upon thousands of Americans who are depending on us to meet our responsibilities and also to deliver the aid that we have promised.

To avoid Government's possible disruptions in future funding, we should also have a good Government contingency plan in place to make sure that the Government has the ability to continue supporting in the areas that it can, with aid and other supports. This is the way to ensure that the needs of our flood victims in Minnesota will be met now and will be met in the near future and in the long run. After all, the aid we are promising, the aid that we will debate this week on the floor, $488 million that the President has requested for the Midwest flooding and the Red River Basin will only be 20 percent or 25 percent of what the long-term aid and dollars are going to be.

If we do not reach agreement that we will be able to keep the Government running to assure that the Government will be there in October, in November, they could be without the Government assistance they are depending on. This is good Government. It would help to take politics out of the process, because if we cannot come to terms on a budget agreement down the road, we cannot afford to have our flood relief efforts halted because of that.

Now, this is not playing games with the flood victims, as we have heard the charges here on the floor today. It would cost no money. We are not asking for additional money. We want to put in place a process, and this should have been there last year, it should have been there 2 years ago, and it should be there next year if it is needed, this is not playing games with any of the flood victims, with their families, or their possessions or their future. This is to help guarantee that the aid and the help and the supplies will be there.

It is an effort to take politics out of the process, because if the budget debate that we have this year does not result in a total budget, we do not want any part of this Government to shut down. We want to make sure that the Government is up and running and that nobody—no Government service, no Government program, no Government employee, no people relying on those type of services—will be held hostage.

I am right now disturbed by the political gamesmanship that is already being played, talking about this, going on, while our constituents are out there waiting for aid, emergency aid, short-term funds and long-term, that we need to pass this bill immediately this week. It is the responsible thing to do, again, because the disaster aid today nor the Federal services, and again the programs and employees that we should keep funding, must not be held political hostage in the near future. So we have to make sure that we pass some reasonable and some good Government contingency plans along with this. I hope it is part of this bill. I hope it has overwhelming support to ensure that these obligations are met.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. ABRAHAM. I take a few minutes to talk about the Volunteer Protection Act and to respond to some of what I considered to be unjustified criticisms of the act which we have heard on the floor in recent hours.

As I mentioned yesterday when we began this debate, the Volunteer Protection Act will give our volunteers and nonprofit organizations who rely on volunteers some much needed relief from frivolous lawsuits that are filed based on the actions of volunteers.

All too often, while we ought to be protecting and encouraging volunteers—which President Clinton, Colin Powell, former President Bush, and others have done such a commendable job of encouraging in Philadelphia this week—we are, instead, permitting them to be subjected to baseless, abusive and unwarranted lawsuits. I spoke about many such lawsuits yesterday. I have also heard about others from community groups, nonprofit organizations, and volunteers in Michigan, and about various excesses along these lines.

Today, I respond to those who criticized this desperately needed legislation and to talk about some specific provisions of the bill which would address any concerns that might have been raised with respect to volunteer protection legislation.

Perhaps most disturbing to me is that some opponents of this legislation tried to characterize it by claiming it would protect white supremacist groups and other hate groups. That charge is entirely unfounded. It represents an attempt by those who oppose all civil justice reform to distort this legislation.

I have to ask, Mr. President, how people could reach this conclusion. Frankly, I have to say that I find it offensive, as an advocate of this legislation, to have anybody suggest that we would permit such legislation to be brought to this floor.

First, by its own limiting terms, this bill covers not-for-profit organizations that are organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes. Not every not-for-profit organization is organized for the public benefit and operated primarily for charitable purposes. I think it is clear that hate groups, even where they are not-for-profit organizations, are not organized for the public benefit and operated for charitable or civic purposes. Accordingly, they would not be subject to the limitations in this bill.

Second, the bill goes even further than that to ensure that hate groups will not be covered. The bill explicitly excludes from its coverage cases in which the misconduct constitutes a hate crime or in which the misconduct constitutes a civil rights violation. Thus, even if the defendant was associated with a group that was found to be a not-for-profit organization covered by the bill, there would be no limitation on the liability of the individual or the organization for hate crimes or civil rights violations.

Given the careful drafting of these provisions, it is simply a blatant mischaracterization to suggest that this bill would protect the Ku Klux Klan, hate groups, white supremacist groups, or any other horrible organization. Frankly, I find it very disturbing to even have this legislation associated with such hateful groups. Those groups would not be sheltered from liability, and any suggestion that they would, I think, is just plain wrong.

I also say, Mr. President, that using the kind of logic that could somehow link this legislation to such groups would allow us to say that if we provide benefits under Medicaid to people who belong to hate groups, we are trying to consciously subsidize white supremacist or hate group members. You could do that with any legislation. But we have gone the extra mile in this legislation to try to preclude those who are involved in hateful activity from being in any way protected by it.

I also want to respond to another criticism of this legislation. It has been suggested that we should leave this

area to the States. I agree wholeheartedly that the States should be involved in offering legal shelter to voluntary and charitable activities. The Volunteer Protection Act has in fact been carefully drafted by Senators COVERDELL, MCCONNELL, myself, and others to ensure that we permit the States to do so and that we strike the right balance of Federalism.

For example, in order to permit States to provide their own protections to volunteers, section 3 of the bill clearly provides that the Volunteer Protection Act will not preempt any State law that provides additional protections from liability relating to volunteers or nonprofit organizations. Thus, while the bill will set a standard in States without volunteer protections, it will permit the States to do more.

Section 4(e) of the bill further provides that a number of State laws concerning the responsibilities of volunteers and concerning liability for the actions of volunteers will not be construed as inconsistent with the act. I would like my colleagues to consider those limitations.

First, a State law that requires a nonprofit organization or Government entity to adhere to risk management or training procedures will not be inconsistent with the Volunteer Protection Act.

Second, State laws that make the organization or entity liable for the acts of the volunteer to the same extent that an employer is liable for the acts of its employees will continue to have full effect.

Third, any State law that makes a limitation of liability inapplicable if the volunteer was operating a motor vehicle, vessel, or aircraft will also continue in force.

Fourth, also continuing to have effect will be any State law making liability limits inapplicable in civil actions brought by State or local government officials pursuant to State law. That provision ensures that State and local officials will be permitted to enforce State law.

Fifth, the bill specifies that State laws will not be affected where they make a liability limitation applicable only if the nonprofit or Government entity provides a secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. That means that, in any example that opponents of this bill bring up and in any other case that occurs, the States will have the power to ensure that any injured parties will be compensated for those injuries.

I urge my colleagues to keep these points in mind as we debate the motion to proceed and when we get to the final point of actually considering the bill.

The Volunteer Protection Act, I also add, Mr. President, includes one other significant protection to ensure the proper respect for federalism. That is the State opt-out provision.

This bill explicitly provides that a State may opt out of the provisions of this bill in State court cases involving parties from the State. Under the opt-out provision, a State may elect to forego the volunteer protections in the bill, provided that a State enacts legislation in accordance with the State's constitutional and legislative processes. That legislation must cite the opt-out provision in the Federal legislation, clearly state an election to opt out, and contain no other provisions.

This ensures that States will opt out when they really do intend to do so and that volunteers will not be deprived of volunteer protections without the appropriate consideration of the issue by the State.

As I have stated before, I do not believe that any State will opt out of the provisions of this legislation, and I know of no State that intends to do so. Rather, the provision was included by the drafters, by those of us who support the legislation, as a matter of principle out of respect for the States.

Mr. President, I feel very strongly about litigation abuses in this country, and very strongly about fostering charitable and volunteer activities. President Clinton, General Powell, and others involved in the summit in Philadelphia are absolutely correct that we need to encourage the sense of community and charity that makes us so great as a nation.

I encourage my colleagues to consider this legislation in all its detail. It has been crafted very carefully by those of us who developed the Senate bill. We sought to strike just the right balance with the States and to offer protection only to the many worthy activities that should be protected, while at the same time protecting the rights of those who are victims. I commend Senators COVERDELL and MCCONNELL, as I have from the beginning, for their efforts, in the hope that we can proceed to the consideration and passage of this bill.

Mr. President, I will close by saying, as I did yesterday, that we often talk in this country about the extent to which the sense of community that binds us together has eroded in recent years. I think that is the case, and it is why so many of our constituents ask us to try to take action to rebuild the fabric that binds us together. I think the sense of community in America breaks down in no small measure because we have stopped looking at one another as neighbors and friends and we look at each other as potential plaintiffs and defendants. I believe this would not be any greater a case than when it comes to the activities of charitable organizations, whom we seek to address with the Volunteer Protection Act. If we do not take action to try to give volunteer organizations a greater opportunity to do their good deeds, I think we really will have set back efforts to build a stronger American community.

For that reason, I sincerely hope our colleagues will join us in supporting this legislation.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Michigan for his many contributions—not just the comments today, but the many contributions he has made on behalf of the act and on behalf of the outreach I spoke of earlier to involve citizens, and the renewal alliance, and all of the other work he has done. I appreciate him being here.

Before he leaves, I want to thank him also for specifically referring to the suggestion, which I characterized as ''very disappointing'' this morning, that this legislation somehow gave undue protections to the Ku Klux Klan. I thought introducing that in an attempt to make some legitimate criticism of this legislation was inappropriate. I am appreciative that you would come with your legal background and point out, as I have tried to do—perhaps not as effectively as you have—how totally inaccurate that assertion was. I appreciate that.

Mr. President, if I might take a moment, we are discussing a proposal to bring the Volunteer Protection Act before the Senate. We are trying to get to the point where we can consider the legislation, and there is a filibuster being conducted to prohibit it.

It has been said all day long that it is of the utmost irony that the party of the President, who spoke so eloquently yesterday in Philadelphia on behalf of voluntarism, is consciously engaged in obstructing and preventing even the debate—we are not to the point of voting—about the Volunteer Protection Act, whose sole purpose is to make it more possible for volunteers to respond to the request of President Clinton, President Bush, President Carter, and President Ford for America to step forward.

Mr. President, just to read from a press release, it says:

> Together with President Clinton, former Presidents, 30 Governors, 100 mayors, participated in a conference on volunteering. General Powell said, ''As many as 15 million young Americans need mentoring to help them overcome the adversities they face. They are at risk of growing up unskilled, unlearned, or even worse, unloved.'' General Powell said, standing outside Independence Hall, the birthplace of this Republic, ''They are at risk of growing up physically or psychologically abused. They are at risk of growing up addicted to the pathologies and the poisons of the street. They are at risk of bringing children into the world before they themselves have grown up. They are at risk of never growing up at all.''

Mr. President, we have heard from Little League Baseball, from the Red Cross, from boys clubs and girls clubs, from United Way, from former athletes who provide excellent role models for our young people. Just 2 weeks ago, Terry Orr of the Washington Redskins, standing before the world, said that he cannot get volunteers to do the very work that General Powell is alluding to here with inner-city kids, without first confronting a barrage of questions from the volunteer he is trying to recruit, the current rookies, without

having to confront that rookie's attorney to determine how much risk is the volunteer going to face, how much threat is there to the assets of that volunteer's family.

This legislation before the Senate, being filibustered before the Senate—and just another word on that. We have heard all day long about the holding up of the nomination of Alexis Herman. We have heard about the supplemental bill. We have heard about everything except allowing us to move forward with a 12-page bill that very simply makes it possible for a volunteer not to be free of willful or reckless activity or gross negligence but to be free of making just a mistake or omission in the act of being a volunteer—12 pages long. You would think we were rewriting the Constitution of the United States.

It was suggested, well, this was brought up just because of the volunteer summit. Right. That is exactly why it is on the calendar today, so that there can be a congressional response to the call of the Nation's leaders, so that Americans can respond to the call of America's leaders. And I just find it unconscionable on two points, that we had an extended presentation which somehow would allege the authors of this legislation were protecting the Ku Klux Klan of all things. And I think a reading of any learned attorney would agree with the presentation by the Senator from Michigan that the legislation is carefully drafted. There would not be any protection to that kind of organization. And then that we would be confronted with a filibuster to keep us from trying to help fulfill the dreams and wishes of the summit and reinforce America's commitment to voluntarism.

CLOTURE MOTION

Mr. COVERDELL. With that, Mr. President, I regretfully—I say regretfully—send a cloture motion to the desk and ask for the clerk to report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Larry Craig, John Ashcroft, John McCain, Tim Hutchinson, Phil Gramm, Rod Grams, Craig Thomas, Jesse Helms, Wayne Allard, Pete Domenici, Slade Gorton, Pat Roberts, Ted Stevens, and Olympia Snowe.

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I send a second cloture motion to the desk and ask the clerk to report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Larry Craig, John Ashcroft, John McCain, Tim Hutchinson, Phil Gramm, Pete Domenici, Wayne Allard, Slade Gorton, Pat Roberts, Ted Stevens, Ben Campbell, Olympia Snowe, Mike Enzi, and Spencer Abraham.

Mr. COVERDELL. Mr. President, of course, the purpose of these motions is to try to break the filibuster.

Mr. President, for the information of all Senators, in light of the failed cloture vote that occurred today, on the motion to proceed to the Volunteer Protection Act, I have just filed two additional cloture motions which call for the cloture votes to occur on Thursday of this week. Senators should be aware that a second cloture vote on this issue will occur on Wednesday of this week. Assuming our Democratic colleagues choose to continue to filibuster the motion to proceed to the Volunteer Protection Act and the second cloture vote fails on Wednesday, April 30, then these two additional votes would be necessary on Thursday. As always, the leader will notify the body when these votes have been scheduled during Thursday's session of the Senate.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PATRICIA GRAY

Mr. KERRY. Mr. President, every one of us here in the Senate are very privileged to be able to do what we do at the request of the citizens of our State and with their trust. And we often get a lot of credit and occasional brickbats for it. But the truth is, none of us could do what we do without the capacity of able staff. We are all blessed with that. It is the way that we succeed, knowing what we know when we vote or being able to pursue some legislation that we pursue.

I have been particularly blessed to have an individual work on my staff since I arrived in the U.S. Senate, a person who came as my scheduler when I arrived in 1985, and who, until this day, was my scheduler. When I arrived here 12 years ago as a new Senator and began to assemble a staff, I was extraordinarily lucky to be introduced to a person by the name of Patricia Gray, Pat Gray as she is known to those who have worked with her here in the Senate.

She came to me as a professional's professional, Mr. President. She had come to Washington a number of years before having been initiated into public service by one of the all-time great Senators, Paul Douglas of Illinois. After arriving in Washington, she worked for Senator Douglas, for Senator Hubert Humphrey, for the Democratic Congressional Campaign Committee, for a host of Democratic Presidential campaigns over the years, and for some other congressional offices.

She took important time off during her career at various points to give birth to and to raise two sons, and worked in both nonprofit and for-profit private sector organizations.

A complete recitation of her extraordinary career would require a separate speech. But let me just say that it was my extraordinary good fortune 12 years ago to have Pat Gray be willing to take a place in my office and help to create order out of chaos.

I realize there are a lot of people on the outside who might wonder, not having worked in close proximity to someone in public life, or even somebody as a high private official, why somebody would need sort of a full-time professional scheduler, and in the case of some offices I suppose more than one person. But literally, as all my colleagues know, it is a very special talent to be able to make people feel good who you have to say no to. And you have to say no.

It is a very special talent to be able to balance the scores of invitations with the schedule here, which we can never quite determine, to be able to balance the when and if as a Senator—you might be able to appear—without making people feel somehow that you are either indifferent or lack caring with respect to their concerns or desire to have you come. And we, all of us, receive hundreds of invitations, not only by the week, but by the days sometimes.

It is extraordinarily hard to contend with the need to balance 5 or 10 committee meetings in the course of a week, overlapping with votes that occur whenever they might occur, and to keep all of the people happy who you are trying to balance as that schedule changes. I really cannot think of a tougher job, while simultaneously trying to enhance an individual Senator's ability to be able to meet their legislative agenda, not to mention as all of us struggle so much with a personal life, our home agendas. So the absence of that very, very special talent is literally the absence of order and capacity in a Senate office.

For these past 12 years, Pat has applied her remarkable storehouse of information that she brought with her to Washington about the Congress, about